

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KRISTAL SCHERER, et al.,) Case No. 07cv1218-BEN (WMC)
)
) Plaintiff,) **NOTICE AND ORDER FOR**
) **TELEPHONIC EARLY NEUTRAL**
v.) **EVALUATION CONFERENCE**
)
BATH & BODY WORKS,)
)
) Defendants.)

)

IT IS HEREBY ORDERED that a telephonic Early Neutral
Evaluation of your case will be held on August 22, 2007 at 2:00
p.m. in the chambers of the Honorable William McCurine, Jr.,
United States Magistrate Judge, 940 Front Street, Courtroom C,
San Diego, California, 92101. **Absent extraordinary**
circumstances, requests for continuances will not be considered
unless submitted in writing no less than fourteen (14) days prior
to the scheduled conference. Counsel of record are required to
participate. Parties may participate at their discretion.

COUNSEL FOR PLAINTIFF IS INSTRUCTED TO INITIATE THE CALL BY
FIRST TELEPHONING OPPOSING COUNSEL AND THEN TELEPHONING THE COURT

1 AT 619-557-6624.

2 Requests to be excused from attendance for **extraordinary**
3 **circumstances** must be in writing and received by the Court at
4 least **fourteen (14) days** prior to the conference.

5 The parties are required to submit a short Early Neutral
6 Evaluation Conference Statement about the case on a confidential
7 basis no later than **seven (7) days** before the conference.

8 Rule 26 of the Federal Rules of Civil Procedure shall apply
9 to this case. All discovery shall be stayed until after the Rule
10 26(f) conference, unless otherwise permitted by Rule 26(f) or
11 court order.

12 The parties shall be prepared to discuss the following
13 matters at the conference:

14 1. Any anticipated objections under Federal Rule of Civil
15 Procedure 26(a)(1)(E) to the initial disclosure provisions of
16 Federal Rule of Civil Procedure 26(a)(1)(A-D);

17 2. The scheduling of the Federal Rule of Civil Procedure
18 26(f) conference;

19 3. The date of initial disclosure and the date for lodging
20 the discovery plan following the Rule 26(f) conference; and

21 4. The scheduling of a Case Management Conference pursuant
22 to Federal Rule of Civil Procedure 16(b).

23 Plaintiff's counsel shall give written notice of the Early
24 Neutral Evaluation Conference to parties responding to the
25 complaint after July 22, 2007.

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1 Questions regarding this case may be directed to the
2 Magistrate Judge's law clerk at (619) 557-6624.

3 IT IS SO ORDERED.

4 DATED: July 22, 2007

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6 Hon. William McCurine, Jr.
7 U.S. Magistrate Judge
8 United States District Court

9 COPY TO:

10 HONORABLE ROGER BENITEZ
11 U.S. DISTRICT JUDGE

12 ALL COUNSEL AND PARTIES OF RECORD
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NOTICE OF RIGHT TO CONSENT TO TRIAL
BEFORE A UNITED STATES MAGISTRATE JUDGE

IN ACCORDANCE WITH THE PROVISIONS OF 28 U.S.C. § 636(c), YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE JUDGE OF THIS DISTRICT MAY, UPON THE CONSENT OF ALL PARTIES, ON FORM 1A AVAILABLE IN THE CLERK'S OFFICE, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF SHALL BE RESPONSIBLE FOR OBTAINING THE CONSENT OF ALL PARTIES, SHOULD THEY DESIRE TO CONSENT.

YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT TO CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE JUDGE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.

JUDGMENTS OF THE U.S. MAGISTRATE JUDGES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.